

Tom

K R A S K I N, M O O R M A N & C O S S O N, L L C
ATTORNEYS AT LAW

2120 L Street, N.W., Suite 520
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February 17, 2005

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Petition of Unity Telephone Company d/b/a UniTel, Inc.
for Waiver of the Section 54.904(d) Interstate Common Line Support
Self-Certification Filing Deadline
CC Docket No. 96-45**

Dear Ms. Dortch:

Attached please find the original and four copies of the Unity Telephone Company d/b/a UniTel, Inc. "Petition - Expedited Action Requested" in the above-referenced Docket.

Please acknowledge receipt of this filing on the "stamp and return" copy attached hereto. All correspondence and inquiries concerning this filing should be addressed to the undersigned.

Sincerely,



Thomas J. Moorman
Counsel to Unity Telephone Company d/b/a UniTel, Inc.

cc: Jeffrey Carlisle, Chief, Wireline Competition Bureau
Thomas Buckley, Wireline Competition Bureau
Irene Flannery, Universal Service Administrative Company

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
UNITY TELEPHONE COMPANY)
)
d/b/a/ UNITEL, INC.)
)
Petition for Waiver of the Section 54.904(d))
Interstate Common Line Support)
Self-Certification Filing Deadline)

DOCKET FILE COPY ORIGINAL

CC Docket No. 96-45

RECEIVED

FEB 17 2005

TO: Chief, Wireline Competition Bureau

Federal Communications Commission
Office of Secretary

PETITION FOR WAIVER - EXPEDITED ACTION REQUESTED

Unity Telephone Company d/b/a UniTel, Inc. ("UniTel" or the "Company"), pursuant to Section 1.3 of the Commission's rules,¹ hereby requests a waiver, to the extent necessary, of Section 54.904(d) of the rules of the Federal Communications Commission (the "Commission" or "FCC") to reflect acceptance of its Interstate Common Line Support ("ICLS") self-certification effective June 30, 2004.² As the facts make clear, UniTel executed and transmitted to the Commission and the Universal Service Administrative Company ("USAC") the necessary ICLS certification on May 28, 2004 (the "2004 Certification"), only to learn for the first time in late December 2004 that there was a question regarding receipt of the 2004 Certification by the Commission and USAC. For the reasons stated herein, UniTel respectfully submits that an expedited grant of this request would serve the public interest by allowing the disbursement to

¹ 47 C.F.R. §1.3.

² See 47 C.F.R. §§ 54.904(a) and (d).

No. of Copies rec'd
List ABCDE

014

the Company of ICLS, as those funds are used to maintain the level of universal service in the rural areas that UniTel serves.

I. BACKGROUND

In order to be eligible for ICLS, rate-of-return carriers are required to make an annual filing certifying that all ICLS provided to the carrier will "be used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended."³ With the exception of a carrier's first certification (which is filed when the carrier files its line count information for the very first time), the annual certification must be filed on June 30 of each year with the Commission and USAC.⁴

Consistent with its standard mailing practice, UniTel's President, Laurie Osgood, executed UniTel's 2004 Certification on May 28, 2004. On that date, Ms. Osgood directed her colleague, Nicole Brown, to mail the 2004 Certification to the Commission and USAC. Ms. Brown made these mailings using UniTel's normal business practice for documents of this type, which included ensuring that a file copy of the document was made, and overseeing and ensuring that the item to be mailed was properly addressed, stamped, and placed in the out-going mail.⁵ This practice was undertaken in good faith, and was the same used by UniTel for its June 10, 2003 ICLS certification (the "2003 Certification"), a copy of which was received at the

³ 47 C.F.R. §54.904(a).

⁴ 47 C.F.R. §59.904(d).

⁵ Attached hereto are the declarations of Nicole Brown and Laurie Osgood, attesting to the facts and circumstances within their knowledge surrounding the submission of the 2004 Certification. See Attachment A. The declarations bear facsimile signatures. Counsel will supplement this filing with the original declarations when they are received. Attachment B is a copy of the Company's executed 2004 Certification.

Commission's mailroom on June 16, 2003. *See* Attachment C.⁶ As reflected on USAC's webpage, the 2003 Certification was received by USAC, as well.⁷

On May 28, 2004, Ms. Osgood also faxed to the National Exchange Carrier Association, Inc. ("NECA") a copy of the 2004 Certification that was mailed to USAC and the Commission. *See* Attachment E.⁸ NECA functions as a clearinghouse for the receipt and disbursements of ICLS for its pool participants since, as the Commission is aware, the recovery from the ICLS was formerly achieved through the interstate Carrier Common Line rates included in the NECA tariff.⁹

UniTel is an issuing carrier of the NECA Tariff F.C.C. No. 5. *See* 47 C.F.R. § 69.3(d). As part of its participation in the NECA pooling process, UniTel's ILCS information is provided to USAC by NECA. Once this is completed, NECA sends a copy of that information to UniTel for its records. UniTel understands that USAC then calculates the ICLS amount that UniTel will receive and conveys that information to NECA. NECA, in turn, communicates this information to UniTel. Attachment G contains the information for the July 1, 2004 to June 30, 2005 period

⁶ UniTel also faxed a copy of the 2003 Certification to the National Exchange Carrier Association, Inc. ("NECA"). UniTel attaches hereto a copy of the Company's toll record indicating that facsimile was sent on June 25, 2003. *See* Attachment D.

⁷ *See* <http://form498.universalservice.org/hc/disbursements> (visited Feb. 4, 2005).

⁸ NECA's letter confirming receipt of the fax is enclosed as Attachment F. UniTel is a participant in the NECA pooling process. *See, e.g., In the matter of Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers, Federal-State Joint Board on Universal Service, Access Charge Reform for Incumbent Local Exchange Carriers Subject to Rate-of-Return Regulation, Prescribing the Authorized Rate of Return for Interstate Services of Local Exchange Carriers: Second Report and Order and Further Notice of Proposed Rulemaking in CC Docket No. 00-256, Fifteenth Report and Order in CC Docket No. 96-45, and Report and Order in CC Docket Nos. 98-77 and 98-166, CC Docket Nos. 00-256, 96-45, 98-77, 98-166, 16 FCC Rcd 19613 (2001) (the "MAG Order") at 19624.*

⁹ *See, generally MAG Order, 16 FCC Rcd at 19667-19688.*

applicable to the Company's 2004 Certification.

Shortly before the end of 2004, UniTel was informed for the first time by NECA that there was a question raised by USAC regarding the 2004 Certification and, specifically, that USAC could not verify that it had received the 2004 Certification on or before June 30, 2004.

In an effort to verify receipt, UniTel immediately began the process of verifying the underlying facts. To date, all searches have been unable to verify that the Commission or USAC received the 2004 Certification. UniTel then resent its 2004 Certification to the Commission and USAC on December 30, 2004. *See* Attachment H. USAC's website records that the certification was received January 3, 2005.¹⁰

Until the first contact from NECA in late December 2004, UniTel continued to receive settlements from NECA equal to the difference between its interstate common line revenue requirements and revenues during 2004, which amounted to approximately \$240,000.00, for the six month period ending December 31, 2004. NECA has now required UniTel to adjust pool settlements downward to reflect ICLS shortfalls pending Commission action on this waiver request. However, in a manner fully consistent with its 2004 Certification, UniTel has utilized these funds for the provision, maintenance and upgrading of facilities and services for which its ICLS disbursements are intended.¹¹

¹⁰ *See* <http://www.universalservice.org/hc/checklist> (visited Feb. 17, 2005).

¹¹ *See also* 47 U.S.C. 254(e).

II. A GRANT OF THE REQUESTED RELIEF WOULD SERVE THE PUBLIC INTEREST

Pursuant to Section 1.3 of the Commission's rules, the Commission may grant a waiver of the application of any of its rules for "good cause shown."¹² The Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest.¹³ In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.¹⁴ Waiver of the Commission's rules is therefore appropriate if special circumstances warrant a deviation from the general rule, and if such deviation will serve the public interest.

UniTel respectfully submits that these factors apply to the circumstances confronting it and the effect that will be experienced absent an expedited grant of this request. Thus, strict application of the June 30 deadline for submission of the 2004 Certification would be contrary to the public interest, particularly where UniTel submitted its 2004 Certification for filing by U.S. Mail in a timely manner following its normal mailing practice and is corroborated independently by the fact that UniTel also faxed its 2004 Certification to NECA on the very same day as the mailing. Further, allowing UniTel to receive ICLS during the entire 12 month period covered by the 2004 Certification (*i.e.*, July, 1 2004 through June 30, 2005) will not cause any harm or burden for any other party.

¹² 47 C.F.R. §1.3.

¹³ *See Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (DC Cir. 1990) ("*Northeast Cellular*").

¹⁴ *WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (DC Cir. 1969); *Northeast Cellular* at 1166.

ICLS represents specifically allocated interstate cost recovery of the portion of UniTel's loop investment used by interstate service providers to originate and terminate their interstate services in the rural area of Maine that UniTel serves.¹⁵ ICLS contributes significantly to UniTel's financial ability to provision, upgrade, and maintain its facilities. UniTel's ICLS in 2004 was \$86.46 annually per line or \$7.21 per line per month. Absent a grant of this waiver, these costs will go unrecovered since there is no specific provision within the rule to reallocate these costs to the Company's recovery from Subscriber Line Charge or other universal service mechanisms or the state jurisdiction. The resulting under-recovery -- antithetical in and of itself to the public interest -- would necessarily require curtailment and/or reevaluation of UniTel's plans for capital expenditures and network improvements if ICLS disbursements were not available to it. Therefore, absent an expedited grant of this request, the uncertainty associated with the level of ICLS disbursements that UniTel can expect to receive will result in the frustration of the underlying universal service purposes in a manner directly at odds with the public interest.

Based on the circumstances presented, UniTel's good faith reliance on U.S. Mail for the filing of its Certification with the Commission and USAC was entirely reasonable. UniTel had used the U.S. Mail in June 2003, and had no reason to believe or expectation that the 2004 Certification would not similarly be received on a timely basis, particularly since it was sent 33 days prior to the June 30, 2004 deadline. As the facts demonstrate, UniTel's 2003 Certification was executed on June 10, 2003, and received on June 16, 2003. Accordingly, UniTel had every

¹⁵ See *MAG Order*, 16 FCC Rcd at 19668, 19682; see also 47 C.F.R. §54.901(a) ("Interstate Common Line Support available to rate-of-return carrier shall equal the Common Line Revenue Requirement per Study Area as calculated in accordance with part 69 of this Chapter.").

expectation that this same result would occur when it mailed the 2004 Certification in May 2004. As already been recognized by the Commission, UniTel's reliance on the U.S. Mail was entirely reasonable.

The Commission has acknowledged that it will accept evidence regarding mailing as "acceptable proof"¹⁶ that the document was, in fact, sent. With regard to such "evidence," the Commission has relied upon a Ninth Circuit decision holding that a sworn statement is credible evidence of mailing.¹⁷ In so ruling, the Commission also cited with approval the District of Columbia Circuit's statement that "proof that mail matter is properly addressed, stamped [and] deposited in an appropriate receptacle has long been accepted as evidence of delivery to the addressee."¹⁸ Application of these very same principles to UniTel's circumstances is reasonable and appropriate.

The declarations of Ms. Osgood and Ms. Brown explaining the steps taken in executing the 2004 Certification, having it mailed, and then subsequently faxed on that same day to NECA, are fully consistent with the proof found acceptable by the Commission previously. Application of the principles of *Communications Vending* is entirely appropriate here. The effects of not doing so would be contrary to the public interest.

¹⁶ *Communications Vending Corporation of Arizona, Inc., et al. v. Citizens Communications Company f/k/a Citizens Utilities Company and Citizens Telecommunications Company d/b/a Citizens Telecom, et al.*: Memorandum Opinion and Order, File Nos. EB-02-MD-018-030, FCC 02-314, 17 FCC Rcd 24201, citing *Legille v. Dann*, 544 F.2d 1, 4 (DC Cir. 1976) ("*Communications Vending*") at 24229.

¹⁷ *Id.*, citing *Schikore v. BankAmerica Supplemental Retirement Plan*, 269 F.3d 956, 964 (9th Cir. 2001).

¹⁸ *Communications Vending* citing *Legille v. Dann*, 544 F.2d 1, 4 (DC Cir. 1976).

Denial of ICLS to UniTel in a case in which it undertook reasonable, good faith efforts to ensure timely compliance with the filing deadline would subject UniTel to the burdens associated with denial of the ICLS disbursement. Further, UniTel believes that a grant of this waiver request can be easily accommodated by USAC, without burden to any other carrier, within the existing universal service process.

Specifically, UniTel filed its line-count and other projected data necessary to calculate its prospective ICLS timely,¹⁹ and that information was received by USAC. *See* Attachment G. Thus, not only did USAC have actual notice by March 31, 2004, but USAC had at least some level of notice that the omission of what had been a regular and periodic stream of filings and ICLS participation (including the fact that USAC was in receipt of the 2003 Certification) was, most likely, not an error on the Company's part.

In light of its line count and projected cost submission in March of 2004, UniTel fully anticipates that its projected ICLS disbursement level of the 12 month period ending June 30, 2005 was included in USAC's calculations of the fund size and contributions levels for the period at issue,²⁰ as reflected on USAC's website.²¹ Although UniTel resubmitted the 2004 Certification on December 30, 2004, and USAC has acknowledged its receipt effective January

¹⁹ *See, generally*, 47 C.F.R. §54.903.

²⁰ *Compare* 47 C.F.R. §54.903(a)(3)(Rate of return carrier submission required of "projected data necessary to calculate the carrier's prospective Interstate Common Line Support, including common line cost and revenue data, for each of its study areas in the upcoming funding year") *and* 47 C.F.R. §§54.903(b)(1) and (4)(In addition to performing the calculation required to establish the ICLS, USAC also directed to "[c]ollect the funds necessary to provide support pursuant to this subpart. . . .").

²¹ *See* <http://www.universalservice.org/overview/filings/2005/Q1/HC01%20-%20High%20Cost%20Support%20Projected%20by%20State%20by%20Study%20Area%20-%201Q2005.xls>, at page 13 (visited Feb. 17, 2005).

3, 2005, the Company's request for waiver encompasses the July 2004 through June 2005 period, or as much of this period as the Commission determines UniTel is not otherwise eligible to receive ICLS based on the resubmission of its Certification in December 2004.

III. REQUESTED FOR EXPEDITED ACTION

Unless and until the Commission grants UniTel's request, the Company will experience a significant cost recovery shortfall. As stated above, ICLS disbursements are needed and used by UniTel as an integral component of its interstate recovery with respect to its ongoing costs and capital improvements to upgrade its network. On behalf of UniTel, NECA has already submitted the projected data to USAC, and it appears that USAC is fully capable of incorporating this data (to the extent such data has not been incorporated already) and continuing to distribute ICLS. Moreover, expedited action will allow USAC to reflect this correction in the overall universal service plan as soon as possible. UniTel submits that facts surrounding the instant events, the policy considerations associated with the grant of waiver request, and the implications of granting the waiver are straightforward and raise no novel question of law that the Commission has not previously addressed.

Accordingly, UniTel requests expedited action by the Commission so that USAC can be notified properly and promptly, and so that future settlements, ICLS disbursements, and USAC's calculations can be corrected as soon as possible and to the extent necessary. In the absence of expedited action, UniTel may be forced to forego recovery, and curtail, delay, or reduce planned network upgrades and other capital projects. This result would impose needless hardship on UniTel, and is inconsistent with universal service objectives.

IV. CONCLUSION

For the reasons stated herein, UniTel respectfully submits that good cause has been shown for the grant of the requested waiver as set forth herein. Grant of the waiver will enable UniTel to receive ICLS disbursements for the 12 month period covered by the 2004 Certification consistent with the statutory goal of preserving and advancing universal service for the rural customers served by UniTel. This result is and will be consistent with the public interest. For the reasons stated herein, UniTel also respectfully submits that expedited action on this request is justified in order to minimize the time that UniTel will be prevented from receiving the ICLS support that it expected to receive.

Accordingly, UniTel respectfully requests that the Commission grant this request and accept UniTel's 2004 ICLS Certification effective June 30, 2004.

Respectfully submitted,

Unity Telephone Company d/b/a UniTel, Inc.

By:



Thomas J. Moorman
David Cosson
Joshua Seidemann
Kraskin, Moorman & Cosson, LLC
2120 L Street, N.W., Suite 520
Washington, D.C. 20037
Tel. (202) 296-8890
Fax (202) 296-8893

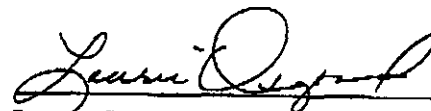
February 17, 2005

ATTACHMENT A
DECLARATIONS OF LAURIE OSGOOD
and NICOLE BROWN

Declaration of Laurie Osgood
President, UniTel, Inc.

I, Laurie Osgood, President of UniTel, Inc., do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver – Expedited Action Requested" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.

Date 2.17.05


Laurie Osgood
President, UniTel, Inc.

Declaration of Nicole Brown
Revenue Accountant

I, Nicole Brown, Revenue Accountant, UniTel, Inc., do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver - Expedited Action Requested" and the information contained therein is true and accurate to the best of my knowledge, information, and belief.

Date 2.17.05

Nicole Brown

Nicole Brown
Revenue Accountant

ATTACHMENT B

2004 UNITEL SELF-CERTIFICATION

UNITEL

INCORPORATED®

May 28, 2004

To: Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Irene M. Flannery
Vice President – High Cost & Low Income Division
Universal Service Administrative Company
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036

Re: **Interstate Common Line Support**
Annual Certification Filing
CC Docket No. 96-45

This is to certify that UniTel, Inc will use its **Interstate Common Line Support** only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below:

Company Name	State	Study Area Code
UniTel, Inc	ME	207

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Laurie Osgood
[Signature of Authorized Representative]

Date: May 28, 2004

Laurie Osgood
[Printed Name of Authorized Representative]

President / COO
[Title of Authorized Representative]

ATTACHMENT C

2003 UNITEL SELF-CERTIFICATION
Displaying Receipt Date-Stamp of FCC

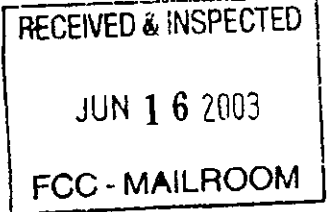


INCORPORATED

DOCKET FILE COPY ORIGINAL

June 10, 2003

To: Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445-12th Street, SW
Washington, DC 20554



Irene M. Flannery
Vice President – High Cost and Low Income Division
Universal Service Administrative Company
2120 L Street, NW, Suite 600
Washington, DC 20037

RE: CC Docket No. 96-45
Interstate Common Line Support and Long Term Support – ICLS
Annual Certification Filing

This is to certify that UniTel, Inc. will use its Interstate Common Line support and Long Term Support – ICLS only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area listed below.

Company Name	State	Study Area Code
UniTel, Inc.	Maine	100029

Signed.

Date: June 10, 2003

Laurie L. Osgood
Printed Name of Authorized Representative

President & COO
Title of Authorized Representative

Carrier's Name: UniTel, Inc.
Carrier's Address: 129 Main Street, Unity, ME 04988
Carrier's Telephone Number: 207-948-3900

129 Main Street, P.O. Box 165, Unity ME 04988-0165 207-948-3900 FAX 207-948-3021

ATTACHMENT D

**TOLL RECORD OF FAX TRANSMISSION OF
2003 UNITEL SELF-CERTIFICATION TO NECA
*and Copy of Fax Cover Sheet***

UNITEL

INCORPORATED®

DATE: June 25, 2003

TO: Gary Hannon - NECA

FROM: Beth Osler

fax# 800-228-8563

SUBJECT: ICLS/LTS Annual Cert. Filing

NUMBER OF PAGES: 2 (INCLUDING COVER PAGE)

MESSAGE: Apologize that you didn't get a copy. Will
make sure you do in future

If you have problems or questions regarding this
Transmission, please contact:
Customer Services at 207-948-3900

129 Main Street, P.O. Box 165, Unity ME 04988-0165 207-948-3900 Fax 207-948-3021

Structure Code	Call Type	Date of Call	From NPA	From Number	To NPA	To Number	Connection Time	Conversion Duration	Carrier Code	Total Call Duration	Trunk Group			
625	110	36	30625	207	9483021	800	2288563	1125195	HHMMSS	HHMMSS	389	2881	505	30176

ATTACHMENT E

**FAX OF MAY 28, 2004 TO NECA
SUPPORTED BY FAX MACHINE "ACTIVITY REPORT"**

UNITEL

INCORPORATED®

Date: 5 28

To: Gary 800 228 8563

From: NUK

Subject: ICLS

Number of pages: 2 (including cover page)

Message: _____

*If you have problems or questions regarding this transmission, please
contact: Unitel's Finance Department at 207-948-3900
Fax: 207-948-3845*

129 Main Street, PO Box 165, Unity ME 04988-0165, Tel. 948-3900 Fax 207-948-3845

UNITEL

INCORPORATED®

May 28, 2004

To: Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Irene M. Flannery
Vice President – High Cost & Low Income Division
Universal Service Administrative Company
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036

Re: **Interstate Common Line Support**
Annual Certification Filing
CC Docket No. 96-45

This is to certify that UniTel, Inc will use its **Interstate Common Line Support** only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below:

Company Name	State	Study Area Code
UniTel, Inc	ME	207

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Laurie Osgood
[Signature of Authorized Representative]

Date: May 28, 2004

Laurie Osgood
[Printed Name of Authorized Representative]

President / COO
[Title of Authorized Representative]

ACTIVITY REPORT

TIME : 05/28/2004 08:10
 NAME :
 FAX : 2079483845
 TEL : 2079483845
 SER.# : BROF2J436846

NO.	DATE	TIME	FAX NO./NAME	DURATION	PAGE(S)	RESULT	COMMENT
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	05/15	23:32		39	01	OK	RX ECM
	05/15	23:40		39	01	OK	RX ECM
#005	05/17	07:57	6237663 207 487 4320 4874320	01:29	02	OK	TX ECM
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	05/17	10:30		01:20	02	OK	TX
	05/18	18:44		41	01	OK	RX ECM
	05/18	20:01		40	01	OK	RX ECM
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#008	05/21	08:48		39	03	OK	TX ECM
#009	05/21	09:23		37	02	OK	TX ECM
#010	05/21	12:18		01:49	02	OK	RX ECM
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	05/27	08:20		01:33	05	OK	TX ECM
	05/27	09:49		35	02	OK	RX ECM
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	05/28	03:00		01:05	02	OK	RX ECM
	05/28	08:10		31	02	OK	TX ECM
#017	05/28	08:10	18002288563				

BUSY: BUSY/NO RESPONSE
 NG : POOR LINE CONDITION / OUT OF MEMORY
 CV : COVERPAGE
 POL : POLLING
 RET : RETRIEVAL
 PC : PC-FAX

ATTACHMENT F

**NECA LETTER CONFIRMING RECEIPT
OF MAY 28, 2004 FAX TRANSMISSION**



80 South Jefferson Road • Whippany, NJ 07981

Richard R. Snopkowski
Vice President
Industry Relations - East

Voice: 973-884-8319
Fax: 800 228-8563
E-mail: rsnopko@neca.org

February 15, 2005

Laurie Osgood
President – UniTel, Inc.
P.O. Box 125
129 Main Street
Unity, ME 04988-0165

Dear Laurie,

Per your request, attached is a copy of UniTel's 2004 Interstate Common Line Support (ICLS) use Certification. This document was received by NECA on May 28, 2004 via Fax.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Snopkowski", with a long, horizontal flourish extending to the right.

Rich Snopkowski

cc: Gary Hannan
cc: Larry Sampson

Attachment

UNITEL

INCORPORATED®

100029

May 28, 2004

To: Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Irene M. Flannery
Vice President - High Cost & Low Income Division
Universal Service Administrative Company
2000 L Street, N.W.
Suite 200
Washington, D.C. 20036

Re: *Interstate Common Line Support*
Annual Certification Filing
CC Docket No. 98-45

This is to certify that Unitel, Inc. will use its *Interstate Common Line Support* only for the provision, maintenance, and upgrading of facilities and service for which the support is intended.

I am authorized to make this certification on behalf of the company named above. This certification is for the study area(s) listed below:

Company Name	State	Study Area Code
Unitel, Inc.	ME	207

(If necessary, attach a separate list of additional study areas and check this box.) ☐

Laurie Osmond
[Signature of Authorized Representative]

Date: May 28, 2004

Laurie Osmond
[Printed Name of Authorized Representative]

President / COO
[Title of Authorized Representative]

ATTACHMENT G

**E-MAIL and ATTACHMENTS FROM NECA
REGARDING ICLS DATA SUBMISSION TO USAC**

*E-mail from NECA to Laurie Osgood,
Letter from NECA to Common Line Pool Participants, and
Data Provided by NECA to USAC re: UniTel for ICLS Purposes*



Nikki Brown

From: Laurie Osgood
Sent: Friday, April 09, 2004 9:26 PM
To: Nikki Brown; Chris Spencer
Subject: FW: 2004/2005 Interstate Common Line Support (ICLS) ProjectionData

FYR: For your review.

Laurie

-----Original Message-----

From: Cost Forecasting Cost Forecasting [mailto:cost#032#forecasting@neca.org]
Sent: Fri 4/9/2004 7:01 PM
To: Laurie Osgood
Cc:
Subject: 2004/2005 Interstate Common Line Support (ICLS) ProjectionData

Attached for your information is the study area-specific ICLS related data that NECA submitted to USAC on your behalf on March 31, 2004.

If you have any questions, please contact your Region Member Service Team.



80 South Jefferson Road
Whippany, NJ 07981

Carol A. Brennan
Vice President
Industry Relations - West

Richard R. Snopkowski
Vice President
Industry Relations - East

Voice: 303-893-4402
Fax: 800 551-1328
E-mail: cbrenna@neca.org

Voice: 973-884-8319
Fax: 800 228-8563
E-mail: rsnopko@neca.org

April 9, 2004

To: Common Line Pool Participants

Re: Interstate Common Line Support (ICLS) Projection Data Submission

Attached for your information is the study area-specific ICLS-related data that NECA submitted to the Universal Service Administrative Company (USAC) on your behalf on March 31, 2004. NECA provided data necessary to project ICLS amounts for all rate of return carriers participating in the Common Line pool. The projected cost and revenue data submitted applies to the period July 1, 2004 through June 30, 2005. As provided under FCC rules, NECA has requested that the projected cost and revenue data be treated as confidential, and withheld from public inspection.

Please note that, although we included a preliminary ICLS amount in the data provided to USAC, which is shown on the attached form for your information, this amount is not the "official" ICLS amount for your company. USAC will ultimately calculate ICLS based on the data submitted on March 31st.

If you have any questions, please contact your Region Member Service Team.

Sincerely,

Carol A. Brennan *RR Snopkowski*

cc: Authorized Consultants

Attachment

Eastern Region
1-800-228-8398

Midwest Region
1-800-323-4953

Pacific Region
1-800-223-8495

Southern Region
1-800-223-7751

Southwestern Region
1-800-351-9033

Western Region
1-800-892-3322

North Central Region
1-800-228-0180

Data Provided to USAC for ICLS Purposes on 3/31/2004

Study Area Code	100029
Study Area Name	UNITY TEL CO., INC.
Settlement Type	Cost

7/01/04 - 6/30/05 Test Period Data

1 Common Line Revenue Requirement	\$936,722
2 End User Subscriber Line Charge (SLC) Revenue	\$454,165
3 End User ISDN Port Revenue	\$0
4 Special Access Surcharge Revenue	\$0
5 Long Term Support (LTS)	\$0
6 Interstate Common Line Support (ICLS)**	\$482,557

**Provided for informational purposes only - to be calculated by USAC.

FOR EC REVIEW

Study Area Code
Study Area Name
Settlement Type

100029
UNITY TEL CO., INC.
Cost

	For Information Only - Not to be provided to USAC	Data NECA Intends to Provide to USAC on 3/31/04
7/01/04 - 6/30/05 Test Period Calculations#		
<u>Common Line Revenue Requirement</u>		
1 2004/2005 Common Line Revenue Requirement	\$945,364	
2 2004/2005 Universal Service Contributions	\$21,861	
3 Subtotal (Line 1 - Line 2)	\$923,503	
4 Pool Administration Expense Factor	0.014314	
5 2004/2005 Common Line Revenue Requirement (Line 3 + (Line 3 * Line 4))		\$936,722
<u>End User Subscriber Line Charge (SLC) Revenue</u>		
6 2004/2005 Forecasted Residential/Single-Line Business Lines	4,917	
7 Residential/Single-Line Business Rate	\$6.50	
8 2004/2005 Residential/Single-Line Revenue (Line 6 * Line 7) * 12	\$383,526	
9 2004/2005 Forecasted Multi-Line Business Lines	664	
10 Multi-Line Business Rate	\$9.20	
11 2004/2005 Multi-Line Revenue (Line 9 * Line 10) * 12	\$73,306	
12 2004/2005 Estimated SLC Uncollectibles	\$2,667	
13 2004/2005 SLC Revenue (Line 8 + Line 11 - Line 12)		\$454,165
<u>End User ISDN Port Revenue</u>		
14 2004/2005 Forecasted Number of ISDN BRI Arrangements	0	
15 Rate	\$2.23	
16 Subtotal (Line 14 * Line 15) * 12	\$0	
17 2004/2005 Forecasted Number of ISDN PRI Arrangements	0	
18 Rate	\$23.51	
19 Subtotal (Line 17 * Line 18) * 12	\$0	
20 2004/2005 End User ISDN Port Revenue (Line 16 + Line 19)		\$0
<u>Special Access Surcharge Revenue</u>		
21 2004/2005 Forecasted Special Access Surchargeable Channels	0	
22 Rate	\$25.00	
23 2004/2005 Special Access Surcharge Revenue (Line 21 * Line 22) * 12		\$0
24 2004/2005 Long Term Support*		\$0
25 2004/2005 Interstate Common Line Support** (Line 5 - Line 13 - Line 20 - Line 23 - Line 24)		\$482,557
Notes: # 2004/2005 Test Period is defined as: a) forecasted revenue requirement = average of calendar years 2004 and 2005, b) forecasted demand = average of demand quantities for months included in the test period. *FCC Rule 54.303 - Effective 7/1/2004, no carrier shall receive Long Term Support. **Provided for informational purposes only - to be calculated by USAC		

ATTACHMENT H

**DECEMBER 28, 2004 RESUBMISSION OF
2004 SELF-CERTIFICATION TO
USAC and THE COMMISSION**



EV 490114852 US



UNITED STATES POSTAL SERVICE

Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 04988	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in Mo. Day Year 12 30 04	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage \$ 13.65
Time in Mo. Day Year 1 5 29	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee 1.75
Weight lbs. 2	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery <input checked="" type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials	Total Postage & Fees \$ 15.40

DELIVERY (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	

☐ WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT:

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or
Postal Service Acct. No.

FROM: (PLEASE PRINT)

PHONE 207 948-3986

United, Inc.

TO: (PLEASE PRINT)

PHONE

MARLENE H. DORTCH
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

PRESS HARD.

You are making a copy.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Marlene H. Dortch
Office of the Secretary
Federal Communications
Commission
445 12th Street, SW
Washington, DC 20554

2. Article Number

(Transfer from service label)

EV 490114852 US

PS Form 3811, August 2001

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Signature 	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, delivery address below <input type="checkbox"/> No	
<div style="border: 2px solid black; padding: 5px; text-align: center;"> RECEIVED & INSPECTED JAN 3 - 2005 </div>	
3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Registered <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

102595-02-M-1540

EV 221878046 US



Post Office To Addressee

ORIGIN (POSTAL USE ONLY)

PO ZIP Code 04988	Day of Delivery <input checked="" type="checkbox"/> First <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date in Mo. 12 Day 30	Time in Mo. 12 Day 30	Postage \$ 13.05
Time in Mo. 12 Day 30	Military <input type="checkbox"/> 12 Noon <input type="checkbox"/> PM	Return Receipt Fee 1.75
Weight 1.75 lbs.	2nd Day <input type="checkbox"/> 3rd Day <input type="checkbox"/>	COD Fee <input type="checkbox"/>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Initial Alpha Country Code	Insurance Fee <input type="checkbox"/>
Total Postage & Fees \$ 15.40		

CUSTOMER USE ONLY

METHOD OF PAYMENT:
Express Mail Contract Acct. No.

FROM: PLEASE PRINT

PHONE **207 948-3986**

TO: PLEASE PRINT

PHONE

PRESS HARD
You are making a copy.

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Irene M. Flannery
Vice President-High Cost & Low
Income Division

USAC

2000 L. Street, N.W., Suite 200
Washington, DC 20036

COMPLETE THIS SECTION ON DELIVERY

A. Signature
[Signature] ☐ Agent ☐ Addressee

B. Received by (Printed Name) *ADDRESSEE* C. Date of Delivery *1/8/05*

D. Is delivery address different from item 1? ☐ Yes ☐ No
If YES, enter delivery address below:

3. Service Type

- ☐ Certified Mail
- ☒ Express Mail
- ☐ Registered
- ☐ Insured Mail
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

(Transfer from service label)

EV 221878046 US

PS Form 3811, August 2001

Domestic Return Receipt

102596-02-M-1540